



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 30 January 2004

EXPIRATION DATE: 2 March 2004

REFERENCE NUMBER: POA-2002-1120

WATERWAY: Seldovia Bay

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Kenai Peninsula Borough Solid Waste Department, 47140 East Poppy Lane, Soldotna, Alaska 99669. Telephone- (907) 262-9667. Authorized Representative: URS Corporation, 2700 Gambell Street, Suite 200, Anchorage, Alaska 99503. Contact Mr. Nicholas Henegan, Project Engineer. Telephone- (907) 261-9711.

LOCATION: The site is located one mile south of Seldovia, Alaska, on the west side of Rocky Road within section 06 of Township 09 South, Range 14 West, Seward Meridian. U.S. Geological Survey Map Seldovia (B-5). North Latitude 59.43806° and West Longitude 151.71139°.

WORK: The Kenai Peninsula Borough (KPB) has selected a 125-acre parcel near Seldovia, Alaska for landfill development. The proposed Rocky Ridge Landfill will be a class III municipal solid waste (MSW) landfill with a capacity of approximately 140,900 cubic yards, sufficient to accommodate the City of Seldovia for about 45 years. Features of the landfill include two active cells, an access road, and an administrative area.

Cell 1 has a capacity of 63,400 cubic yards, encompasses an area of 157,000 square feet, and has an estimated life of 20 years. Cell 2 has a capacity of 77,500 cubic yards, encompasses an area of 172,000 square feet, and has an estimated life of 25 years. Construction of approximately 830 feet of access road will provide relatively easy access to this site and a sufficient setback for the heavy vegetation to reduce visual, noise, and air impacts. The administrative area encompasses an area of 13,000 square feet and may be modified during the life of the landfill. Construction of Cell 1 of the Rocky Ridge landfill will commence April 1, 2004 with completion on or before July 1, 2004.

The total fill material for Cell 1 will be 9.063 cubic yards: sandy silt (1,096cy), municipal solid waste (5,700 cy), top soil (239 cy), and crushed rock (2.28 cy). Approximately 0.283 acres of wetland will be filled.

Initial site development includes 3.5 acres and consists of an access road, elevated turnaround pad, cover material stockpile area, land clearing debris/wood waste burn pile area, Cell 1 (waste disposal cells), burn box unit and bulkhead,

appliance stockpile area, plastic totes for storage of vehicle batteries and household hazardous waste, and an attendant shed and generator building.

PURPOSE: The Kenai Peninsula Borough currently operates a Class III municipal solid waste landfill and the lease will expire June 30, 2004. The current site does not meet the long-term solid waste management goals identified in the Borough's solid waste management plan. The KPB has selected a 125-acre parcel near Seldovia, Alaska for landfill development.

ADDITIONAL INFORMATION: The Rocky Ridge Landfill will have restricted access with an attendant on-site during operational hours. Hours of operation will remain the same as the current landfill, three partial days for a total of 17 hours per week.

A burn box unit may be used, similar to the current Seldovia Landfill that has used a unit since 2001. Burning of wood, paper and other combustible materials in the burn box saves a significant volume of landfill space. If used, the landfill attendant will screen waste placed in the burn box and educates disposers on items acceptable for burning. Informational flyers on burn box use are distributed to the community for public education.

Three groundwater wells will be sampled twice per year at the new site. Two to three surface water locations will also be included in the site-specific monitoring plan.

Operation and maintenance of the Rocky Ridge Landfill will be contracted similar to the Borough's other four remote, Class III landfills.

MITIGATION: No specific mitigation efforts to reduce impacts to the aquatic environment have been proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Daniel L. Smith at (907) 753-2715, toll free from within Alaska at (800) 478-2712, or by email at Daniel.L.Smith@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

( ) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

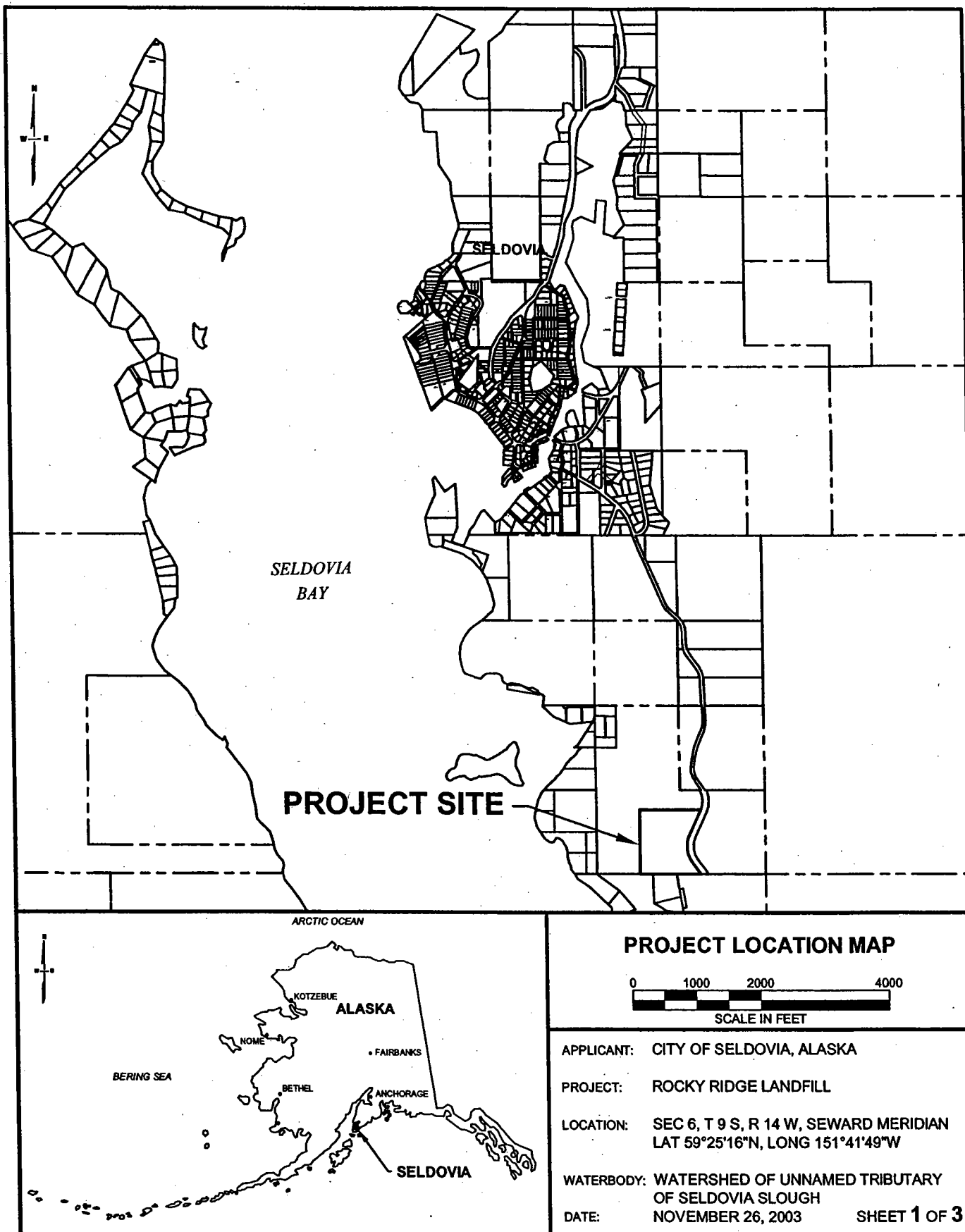
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

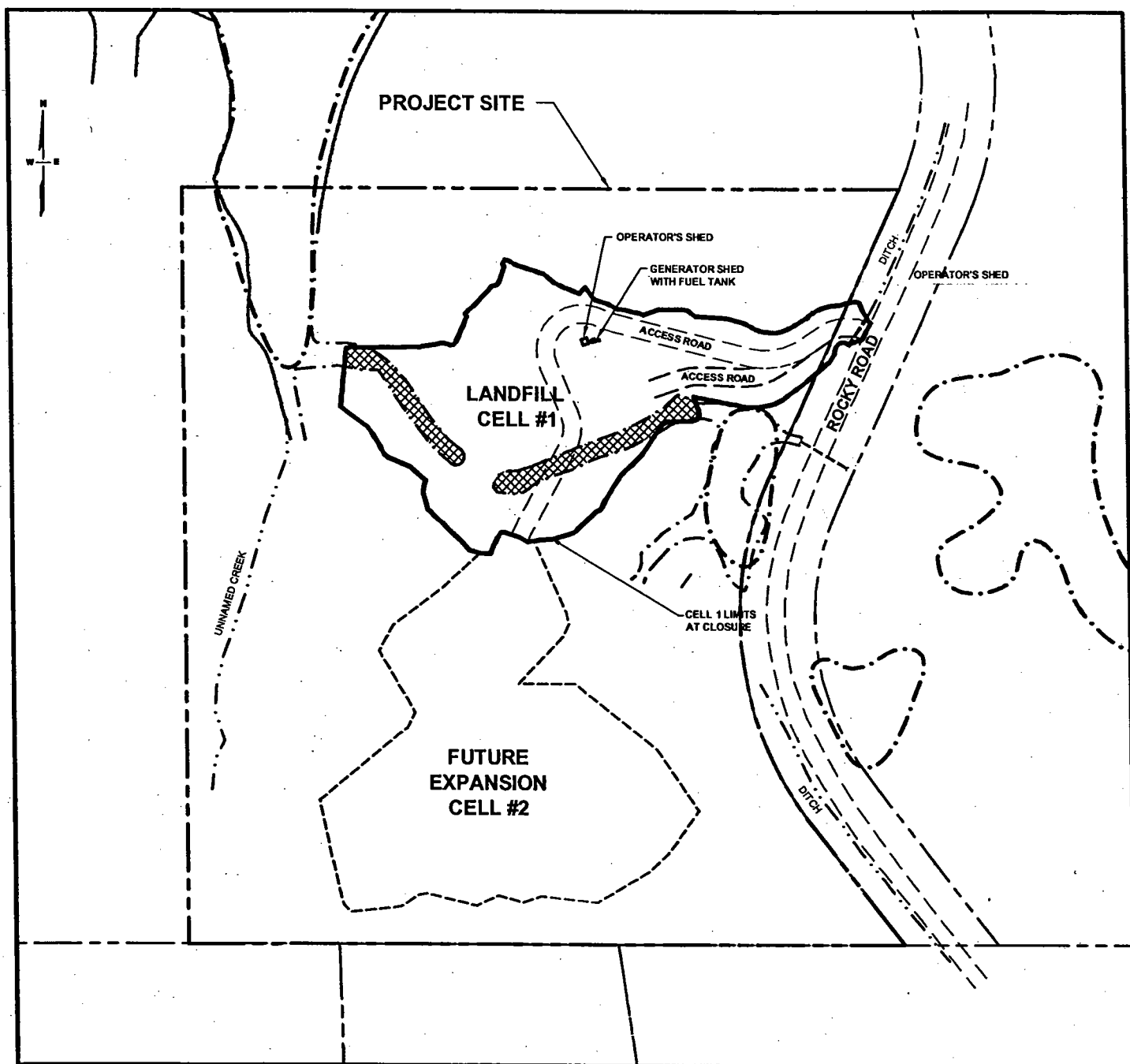
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments



POA-2002-1120



# **LEGEND**

	CREEK/DITCH CENTERLINE
	CULVERT - EXISTING
	CULVERT - PROPOSED
	LIMITS OF DISTURBED AREA
	RIGHT-OF-WAY/PROPERTY LINE
	SITE BOUNDARY
	WETLAND (NWI DESIGNATION)
	WETLAND (URS, 2003 DESIGNATION)
	WETLAND AFFECTED

## **PROJECT SITE PLAN**



APPLICANT: CITY OF SELDOVIA, ALASKA

PROJECT: ROCKY RIDGE LANDFILL

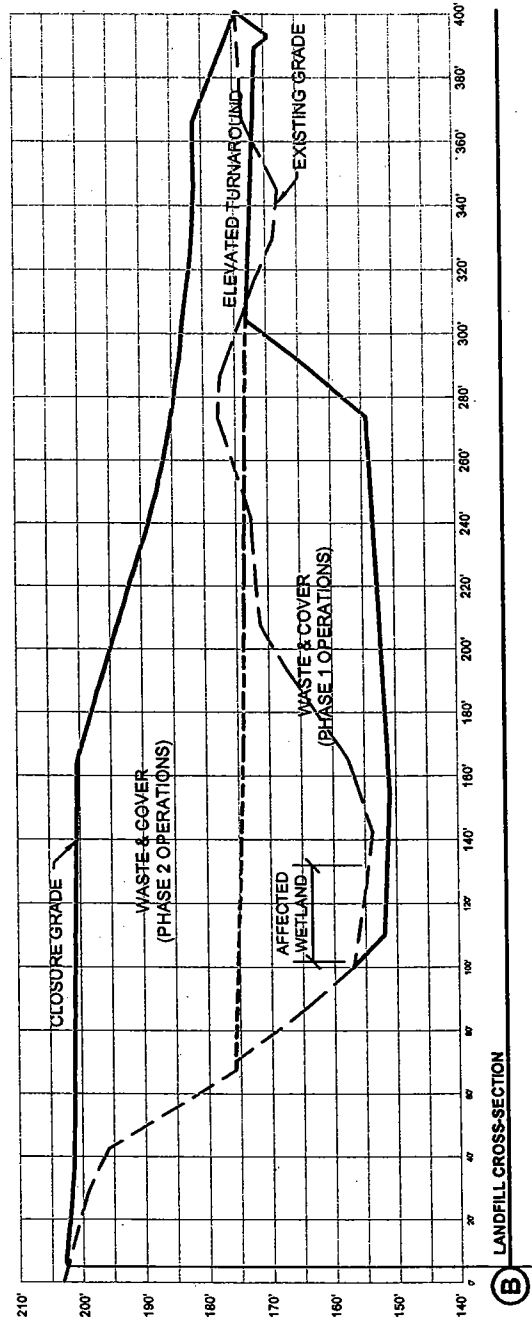
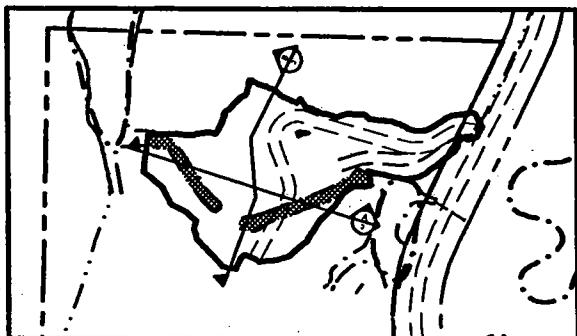
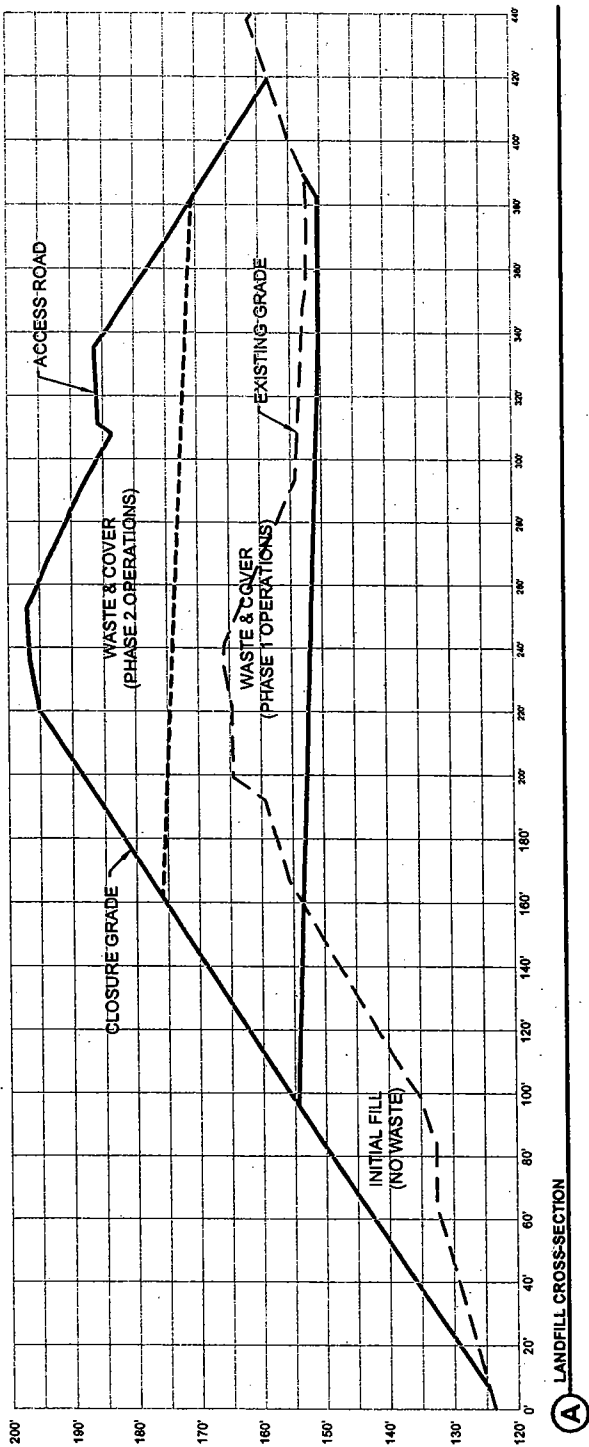
LOCATION: SEC 6, T 9 S, R 14 W, SEWARD MERIDIAN  
LAT 59°25'16"N, LONG 151°41'49"W

WATERBODY: WATERSHED OF UNNAMED TRIBUTARY  
OF SELDOVIA SLOUGH

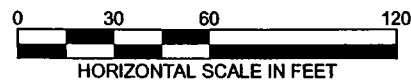
DATE: DECEMBER 30, 2003

SHEET 2 OF 3

ROA-2002-1120



### LANDFILL CROSS-SECTIONS



APPLICANT: CITY OF SELDOVIA, ALASKA

PROJECT: ROCKY RIDGE LANDFILL

LOCATION: SEC 6, T 9 S, R 14 W, SEWARD MERIDIAN  
LAT 59°25'16"N, LONG 151°41'49"W

WATERBODY: WATERSHED OF UNNAMED TRIBUTARY  
OF SELDOVIA SLOUGH

DATE: DECEMBER 30, 2003

SHEET 3 OF 3

POA-2002-1120

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2002-1120 Seldovia Bay**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508



# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
DIVISION OF GOVERNMENTAL COORDINATION**

SOUTHCENTRAL REGIONAL OFFICE  
550 West 7th Avenue, Suite 1660  
ANCHORAGE, ALASKA 99501-3568  
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2002-1120 Seldovia Bay,,** will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment 3